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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,895	08/27/2002	David Wolff	DSC-02002	7973

31661 7590 09/26/2003

PROTON ENERGY SYSTEM
10 TECHNOLOGY DRIVE
WALLINGFORD, CT 06492

EXAMINER

NGUYEN, HOANG M

ART UNIT PAPER NUMBER

3748

DATE MAILED: 09/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,895

Applicant(s)

WOLFF ET AL

Examiner

Hoang M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 2, 4, 10-13, 16-19, 22-27, 29-38, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5375580 (Stolz et al).

Stolz et al discloses an internal combustion engine 2 comprising a tank which can be liquid hydrogen (column 4, lines 28-48), said fluid being vaporized by vaporizer 6 through line 7 to circulating pump 8, through line 9 to the turbocharger aftercooler 5 and back to the vaporizer 6 through line 10, storage tank 11 being used to provide expansion room for the fuel gas vaporizer heat exchange fluid as well as an adequate reservoir of such heat exchange fluid, the fuel is then used to fuel the diesel engine (it's well known in the automobile art that the diesel engine is connected to an alternator to generate electricity).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-6, 14-15, 20-21, 28, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5375580 (Stolz et al) in view of U.S. 6543229 (Johansson).

Stolz et al discloses all the claimed subject matter as set forth above in the rejection of

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claim 1, but Stolz et al does not disclose a Stirling engine, and the concept of using waste heat of the engine to drive alternator. Johansson is relied upon to disclose a Stirling engine can be used in a system and the concept of using waste heat of the Stirling engine for driving an alternator. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use Stirling engine in the system of Stolz et al, and to use the waste heat to drive an alternator as taught by Johansson for the purpose of obtaining more work from the waste heat and because using the Stirling engine is well known and is functionally equivalent with other combustion engine.

Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5375580 (Stolz et al). Stolz et al discloses all the claimed subject matter as set forth above in the rejection of claim 1, but Stolz et al does not disclose the specific flow rate as claimed in claims 7-9. However, it would have been a matter of design choice for a person having ordinary skill in the art to provide different flow rate in the engine of Stolz et al for the purpose of achieving appropriate work outputs depending on the flow rates.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

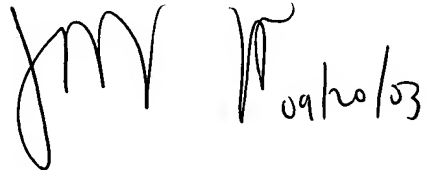
Rosen et al, Billings et al, and Swain disclose hydrogen engines.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
9/20/03